

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

## In re Entresto (Sacubitril/Valsartan) Patent Litigation

MDL No. 20-2930-RGA

NOVARTIS PHARMACEUTICALS  
CORPORATION,

Plaintiff,

V.

HETERO USA INC., HETERO LABS LIMITED, HETERO LABS LIMITED UNIT III, MSN PHARMACEUTICALS INC., MSN LABORATORIES PRIVATE LIMITED, MSN LIFE SCIENCES PRIVATE LIMITED,

C.A. No. 19-2053-RGA

Defendants.

**NOVARTIS'S AND HETERO'S JOINT MOTION TO VACATE JUDGMENT  
AS TO HETERO PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE  
62.1 AND 60(b), AND ENTER CONSENT JUDGMENT AND ORDER OF INJUNCTION**

Pursuant to Federal Rules of Civil Procedure 62.1 and 60(b), Plaintiff Novartis Pharmaceuticals Corporation (“Novartis”) and Defendants Hetero USA Inc., Hetero Labs Limited, and Hetero Labs Limited Unit III (collectively, “Hetero”), respectfully request that this Court enter an order vacating the following orders entered on the docket in MDL No. 20-2930-RGA and Civil Action No. 19-2053-RGA as applicable to Novartis’s claims against Hetero: (1) the July 7, 2023 opinion invalidating U.S. Patent No. 8,101,659 (“the ’659 Patent”) (MDL No. 20-2930-RGA, D.I. 1099; C.A. No. 19-2053-RGA, D.I. 402) and (2) the July 21, 2023 ’659 Patent Judgment (MDL No. 20-2930-RGA, D.I. 1120; C.A. No. 19-2053-RGA, D.I. 406). The

[Proposed] Order of Vacatur is attached as Exhibit A (*see also* MDL No. 20-2930-RGA, D.I. 1376).

On June 21, 2024 this Court entered an order (*id.*, D.I. 1394) stating that, if the Federal Circuit were to grant a limited remand of appeal Nos. 23-2218 and 23-2221 (as to Hetero only), it would enter the [Proposed] Order of Vacatur attached as Exhibit A. On July 30, 2024, the Federal Circuit remanded appeal Nos. 23-2218 and 23-2221 (as to Hetero only) to allow this Court to vacate the above-referenced documents.

**WHEREFORE**, Novartis and Hetero jointly respectfully request, pursuant to Federal Rules of Civil Procedure 62.1 and 60(b), that this Court grant Novartis's and Hetero's joint motion to vacate the following orders entered on the docket in MDL No. 20-2930-RGA and Civil Action No. 19-2053-RGA as applicable to Novartis's claims against Hetero: (1) the July 7, 2023 opinion invalidating the '659 Patent (MDL No. 20-2930-RGA, D.I. 1099; C.A. No. 19-2053-RGA, D.I. 402) and (2) the July 21, 2023 '659 Patent Judgment (MDL No. 20-md-2930-RGA, D.I. 1120; C.A. No. 19-2053-RGA, D.I. 406).

Respectfully submitted,

Dated July 31, 2024

MCCARTER & ENGLISH LLP

/s/ Daniel M. Silver  
Daniel M. Silver (No. 4758)  
Alexandra M. Joyce (No. 6423)  
Renaissance Centre  
405 N. King Street, 8th Floor  
Wilmington, Delaware 19801  
(302) 984-6300  
dsilver@mccarter.com  
ajoyce@mccarter.com

SMITH, KATZENSTEIN, & JENKINS LLP

/s/ Daniel A. Taylor  
Neal C. Belgam (No. 2721)  
Daniel A. Taylor (No. 6934)  
1000 West Street, Suite 1501  
Wilmington, DE 19801  
(302) 652-8400  
nbelgam@skjlaw.com  
dtaylor@skjlaw.com

Nicholas N. Kallas  
Christina Schwarz  
Jared L. Stringham  
Christopher E. Loh  
Susanne L. Flanders  
Melinda R. Roberts  
Shannon K. Clark  
Laura K. Fishwick  
Gregory J. Manas  
VENABLE LLP  
151 West 42nd Street  
New York, New York 10036  
nkallas@venable.com  
cschwarz@venable.com  
jlstringham@venable.com  
cloh@venable.com  
slflanders@venable.com  
mrroberts@venable.com  
skclark@venable.com  
lfishwick@venable.com  
gjmanas@venable.com

*Attorneys for Plaintiff  
Novartis Pharmaceuticals Corporation*

Dmitry V. Shelhoff  
Kenneth S. Canfield  
Edward D. Pergament  
Julia S. Kim  
PERGAMENT & CEPEDA LLP  
25A Hanover Road, Suite 104  
Florham Park, NJ 07932  
(973) 998-7722  
dshelhoff@pergamentcepeda.com  
kcanfield@pergamentcepeda.com  
epergament@pergamentcepeda.com  
jkim@pergamentcepeda.com

*Attorneys for Defendants Hetero USA Inc.,  
Hetero Labs Limited, and Hetero Labs Limited  
Unit III*

**EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

	)	
	)	MDL No. 20-2930-RGA
In re Entresto (Sacubitril/Valsartan) Patent	)	
Litigation	)	<div style="background-color: black; width: 150px; height: 1.2em;"></div>
	)	
NOVARTIS PHARMACEUTICALS	)	
CORPORATION,	)	
	)	
Plaintiff,	)	
v.	)	C.A. No. 19-2053-RGA
	)	
HETERO USA INC., HETERO LABS	)	<div style="background-color: black; width: 150px; height: 1.2em;"></div>
LIMITED, HETERO LABS LIMITED	)	
UNIT III, MSN PHARMACEUTICALS	)	
INC., MSN LABORATORIES PRIVATE	)	
LIMITED, MSN LIFE SCIENCES	)	
PRIVATE LIMITED,	)	
	)	
Defendants.	)	
	)	

**[PROPOSED] ORDER**

**THIS MATTER** having been moved, jointly, by attorneys for Plaintiff Novartis Pharmaceuticals Corporation (“Novartis”) and Defendants Hetero USA Inc., Hetero Labs Limited, and Hetero Labs Limited Unit III (collectively, “Hetero”), and the Court having considered all papers submitted in support of this motion and for good cause shown;

The Court hereby vacates the following orders entered on the docket in MDL No. 20-2930-RGA and Civil Action No. 19-2053-RGA as applicable to Novartis’s claims against Hetero: (1) the July 7, 2023 opinion invalidating U.S. Patent No. 8,101,659 (“the ’659 Patent”) (MDL No. 20-2930-RGA, D.I. 1099; C.A. No. 19-2053-RGA, D.I. 402) and (2) the July 21,

2023 '659 Patent Judgment (MDL No. 20-2930-RGA, D.I. 1120; C.A. No. 19-2053-RGA, D.I. 406).

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_

United States District Judge